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MEMO ENDORSED

June 16, 2023

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VIA ECF

Honorable Valerie E. Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/16/2023

RE: Seren Fashion, et al. v. BSD Capital, et al.
Docket No. 23-cv-02349

Honorable Judge Caproni:

This law firm represents Plaintiffs, The Seren Fashion Art and Interiors LLC and Sehra Waheed (collectively "Plaintiffs") in the above-referenced action: and the undersigned is Plaintiff's lead counsel. We write, jointly with the Defendants' counsel, to advise the Court of Defendants', B.S.D. Capital, Inc. DBA Lendistry SBLC, LLC, Kent Monfore's and Kymani Smith's (collectively "Defendants") consent to file a late Amended Complaint and to respectfully request an adjournment of the initial pretrial conference, currently scheduled for June 23, 2023.

Due to a clerical error, Plaintiffs' Amended Complaint was filed two days after the deadline, however Defendants have advised the Plaintiffs that they consent to Plaintiffs' late-filing of the Amended Complaint. Therefore, pursuant to the direction of the Clerk of Court, Plaintiffs will file the Amended Complaint with Defendants' written consent. The Clerk's instructions are as follows (emphasis added):

The filing (of the Amended Complaint) is deficient for the following reason(s): the pleading is amended more than 21 days after service of a responsive pleading; Court's leave has not been granted. File the Exhibit to Pleading event found under the event list Other Documents and attach either ***opposing party's written consent*** or Court's leave. (jgo)

In light of the impending filing of Plaintiffs' Amended Complaint, and Defendants' anticipated motion to dismiss the Amended Complaint, the parties jointly request an adjournment of the initial pretrial conference, currently scheduled for June 23, 2023 and the deadline for the submissions of a joint letter and a joint proposed Case Management Plan.

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The parties propose any Friday in August, 2023 as an alternative date for the initial pretrial conference, and any date at Your Honor's discretion, for the parties' joint submission of a proposed Case Management Plan.

This is the first request for an adjournment of the initial pretrial conference.

We sincerely thank the Court for its time and attention to this matter and its consideration of the foregoing request.

Respectfully submitted

s/Marshall Bellovin
MARSHALL B. BELLOVIN, ESQ

cc.: Harry Khemchan Tiwari, Esq. (via ECF)
William Davis Foley, Esq. (via ECF)

Application GRANTED. The IPTC scheduled for June 23, 2023, is hereby ADJOURNED to **Friday, August 11, 2023** at 10:00 A.M. in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. The parties' joint submission in advance of the conference is due no later than **August 3, 2023**.

The Court accepts Plaintiff's Amended Complaint, Dkt. 30, as filed on Defendants' consent. Defendants' motion to dismiss, Dkt. 27, is hereby DENIED as moot.

Defendants' deadline move, answer, or otherwise respond to the Amended Complaint is **Friday, June 30, 2023**; if Defendants move to dismiss, Plaintiff's deadline to oppose is **July 14, 2023**; Defendants' answer deadline will be **July 21, 2023**.

The Clerk of Court is respectfully directed to terminate the open motions at docket entries 27 and 32.

SO ORDERED.



Date: 6/16/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE